

REMARKS

These remarks are responsive to the Final Office Action dated February 20, 2009. Applicant has not amended the claims. Claims 1–4, 6–15, 19–24, 26–35, and 56 remain pending.

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1–3, 6–11, 15, 22–24, 26–31, 35, and 56 under 35 U.S.C. § 103(a) as being unpatentable over Valois (US 2004/0260818, hereinafter “Valois”) in view of Delany (US 2002/0156879, hereinafter “Delany”). The Examiner also rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Valois as applied to claims 1–3, 15, 22–24 and 35 in view of Mitra (US 6,973,460, hereinafter “Mitra”). The Examiner further rejected claims 12–14, 19–21 and 32–34 under 35 U.S.C. § 103(a) as being unpatentable over Valois in view of Delany and further in view of Nelson (US 6,243,713, hereinafter “Nelson”). Applicant respectfully traverses the rejection. The applied references fail to disclose or suggest the inventions defined by Applicant’s claims, and provide no reason for modification to arrive at the claimed inventions.

In the Amendment dated October 22, 2008, in response to the Office Action dated July 22, 2008, Applicant amended a number of claims. For example, Applicant amended claim 1 to require an associated regular expression specifying a textual pattern **that specifies fine-grain access control rights for the members of the class to only a portion of the configuration data for the resource provided by the device.** The Examiner did not provide any comment or discussion of these amendments in any way. The Examiner did not cite any reference that provides any disclosure whatsoever of a regular expression specifying a textual pattern that specifies fine-grain access control rights for the members of the class to only a portion of the configuration data for the resource provided by the device, as required by independent claim 1. The Examiner also did not cite any portion of the applied references (i.e., Valois and Delany) as disclosing an associated regular expression specifying a textual pattern that specifies fine-grain access control rights for the members of the class to only a portion of the configuration data for the resource provided by the device.

Instead, the Examiner’s remarks with respect to claim 1 appear to be a verbatim copy of the remarks in the Office Action dated July 22, 2008. That is, it appears as though the Examiner

merely copied the remarks provided on July 22, 2008 and pasted into the Final Office Action dated February 20, 2009. There is no indication that the Examiner even considered Applicant's claim amendments submitted on October 22, 2008, let alone that the prior art renders the requirements of these claims obvious. The Examiner bears the burden of proof when the Examiner asserts that Applicant is not entitled to a patent. This burden of proof must be supported by evidence, e.g., citations of the prior art. If evidence exists that the prior art renders the requirements of Applicant's claims obvious, Applicant deserves the opportunity to address and rebut such evidence. However, in view of the remarks provided by the Examiner in the Final Office Action, the Examiner has not even afforded Applicant that opportunity.

The only explanation provided by the Examiner for the finality of the Office Action is a statement on page 11 that, "Applicant's arguments with respect to the newly amended claims have been considered but are moot in view of the new ground(s) of rejection."¹ However, the Examiner did not provide any new grounds of rejection in the Final Office Action dated February 20, 2008. Instead, as discussed above, the grounds of the rejection are identical in the Final Office Action dated February 20, 2008 to the grounds of rejection provided in the Office Action dated July 22, 2008. Because the grounds in both rejections are identical, the grounds for the rejection of the Final Office Action cannot, by definition, be considered "new." The cited references between the two rejections are the same, the cited portions of those references are the same, and even the quoted claim language is the same (albeit incorrect in view of the amendments to the claims submitted by Applicant on October 22, 2008). Moreover, in the Office Action dated July 22, 2008, the Examiner made an identical statement regarding the mootness of Applicant's arguments,² thus further buttressing Applicant's belief that the remarks of the Final Office Action are nothing more than a rote, verbatim copy of the remarks in the Office Action dated July 22, 2008, and that the Examiner failed to even consider Applicant's amendments to the claims and remarks presented in the Amendment dated October 22, 2008.

In summary, the remarks presented in the Final Office Action fail to address the claim amendments and the remarks provided by Applicant on October 22, 2008. With respect to the cited prior art and remarks provided in the Final Office Action, Applicant hereby incorporates and reaffirms the remarks provided in the Amendment dated October 22, 2008. The applied

¹ Final Office Action dated February 20, 2009, p. 11.

² See Office Action dated July 22, 2008, p. 11.

prior art fails to disclose or suggest, *inter alia*, an associated regular expression specifying a textual pattern that specifies fine-grain access control rights for the members of the class to only a portion of the configuration data for the resource provided by the device, as required by, e.g., independent claim 1.

For at least these reasons, the Examiner has failed to establish a *prima facie* case for non-patentability of Applicant's claims 1-4, 6-15, 19-24, 26-35, and 56 under 35 U.S.C. § 103(a). Applicant respectfully requests withdrawal of this rejection and allowance of all pending claims.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Applicant does not acquiesce as to any assertion in the Office Action with respect to the prior art or to Applicant's claims. Applicant's silence with respect to any assertion in the Office Action should not be interpreted as Applicant's acquiescence thereto. Applicant reserves the right to comment further with respect to the cited art and/or any pending claim in a future Amendment, Response, or on appeal. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

April 20, 2009

SHUMAKER & SIEFFERT, P.A.

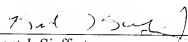
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